

### REMARKS

The Examiner's indication that Claims 9-13 are allowed is acknowledged and much appreciated.

Claim 8 has been amended and Claims 14-26 have been added. These amendments add no new matter to the specification.

Claim 8 was rejected under 35 U.S.C. Section 112, paragraph 2, as allegedly being indefinite for failing to point out particularly and to claim distinctly the subject matter thereof. Applicants do not agree with the rationale provided for this rejection because, contrary to the assertions in the Office action, Figure 1 is used to describe a number of possible embodiments, including an embodiment in which ozone can be delivered to a CMP apparatus, via valve means, for example. (See Specification, as Substituted, at page 8, lines 12-13.) In this embodiment, all that is required in addition to the ozone is a polishing pad and a fluid. (See Specification, as Substituted, at page 8, lines 29-31.) This embodiment does not require what the Office Action refers to as "steps 20, 26, 32 and 34."

In view of the foregoing, it is believed that the rejection of claim 8 has been overcome.

Finally, Applicants reiterate that the Examiner acknowledged Applicants' election of Group II some time ago, but failed to acknowledge that it was clearly stated as an election with traverse. Reconsideration of the restriction requirement has been requested multiple times. The Examiner is respectfully asked to reconsider the restriction requirement, as previously requested, in view of Applicant's election with traverse.

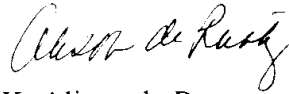
### CONCLUSION

Reconsideration of the restriction requirement has once again been requested in view of Applicants' prior traversal and prior requests for consideration that have not been addressed. Claims 9-13 are allowed. Remaining Claims 1-8 and 14-26 define novel and non-obvious subject matter of the present invention. Therefore, an early notification that the application is in condition for allowance is earnestly solicited.

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Respectfully submitted,



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Appendix I: Amended Claim in Marked Form and New Claims

8. (Amended) A method of planarizing a surface [by] comprising directing ozone gas onto said surface and causing relative motion of said surface and a polishing pad in contact therewith, wherein a fluid is present.

14. (New) A method as in claim 9 wherein the surface comprises a material selected from a group consisting of iridium, iridium oxide, and platinum.

15. (New) A method as in claim 9 wherein the surface comprises a low k material.

16. (New) A method as in claim 9 wherein the surface comprises a structure selected from a group consisting of a hard disk and a micro electrical mechanical structure.

17. (New) A method as in claim 9 wherein said directing comprises directing the aqueous solution at a location proximate a carrier of the surface.

18. (New) A method as in claim 17 wherein the location is less than one inch downstream of the surface.

19. (New) A method as in claim 9 wherein a pH of the aqueous solution is from about 2 to about 8.

20. (New) A method as in claim 9 wherein the aqueous solution comprises reagents selected from a group consisting of carbonate anions, bicarbonate anions, oxalic acid, formic acid, acetic acid, and glycol acids.

21. (New) A method as in claim 9, further comprising controlling a temperature of the aqueous solution.

22. (New) A method as in claim 21 wherein said controlling comprises lowering the temperature.

23. (New) A method as in claim 21 wherein said controlling comprises refrigerating the aqueous solution.

24. (New) A method as in claim 9, further comprising controlling a concentration of ozone in the aqueous solution.

25. (New) A method as in claim 24 wherein said controlling comprises controlling the concentration of ozone such that it is less than or equal to 20 ppm.

26. (New) A method as in claim 9 comprising spin etching of the surface.